

AMENDED IN SENATE MARCH 26, 2012

SENATE BILL

No. 996

**Introduced by Committee on Public Employment and Retirement
(Senators Negrete McLeod (Chair), Gaines, Padilla, Vargas, and
Walters)**

February 6, 2012

An act to amend Section ~~31552~~ 31720.5 of the Government Code,
relating to the County Employees Retirement Law of 1937.

LEGISLATIVE COUNSEL'S DIGEST

SB 996, as amended, Committee on Public Employment and Retirement. County Employees Retirement Law of ~~1937~~. *1937: heart trouble presumption.*

The County Employees Retirement Law of 1937 prescribes the rights, benefits, and duties of members of the retirement systems established pursuant to its provisions. Existing law also provides that if a safety member, a fireman member, or a member in active law enforcement who has completed 5 years or more of service develops heart trouble, that heart trouble shall be presumed to arise out of and in the course of employment.

This bill would clarify that the existing presumption is rebuttable, and would state findings and declarations and the intent of the Legislature in this regard. The bill would make additional nonsubstantive, technical changes.

~~The County Employees Retirement Law of 1937 authorizes counties and districts, as defined, to provide a system of retirement benefits to their employees. Existing law provides that all existing officers and employees of the county become members of the retirement association on the day the retirement system becomes operative, and thereafter each~~

person entering the county employ becomes a member on the first day of the calendar month after the person's entrance into the service, unless otherwise provided by regulations adopted by the board.

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) *It is the intent of the Legislature in enacting*
 2 *this measure amending Section 31720.5 of the Government Code*
 3 *to restate existing law without substantive change, for purposes*
 4 *of clarification.*

5 (b) *The Legislature finds and declares that Section 31720.5 of*
 6 *the Government Code establishes a rebuttable presumption*
 7 *regarding heart trouble, and in addition, that the presumption was*
 8 *held to be rebuttable by the Fifth District Court of Appeals in*
 9 *Pellerin v. Kern County Employees' Retirement Association (2006)*
 10 *145 Cal.App.4th 1099.*

11 SEC. 2. *Section 31720.5 of the Government Code is amended*
 12 *to read:*

13 31720.5. (a) *If a safety member, a fireman member, or a*
 14 *member in active law enforcement who has completed five years*
 15 *or more of service under a pension system established pursuant to*
 16 *Chapter 4 (commencing with Section 31900) or under a pension*
 17 *system established pursuant to Chapter 5 (commencing with*
 18 *Section 32200) or both or under this retirement system or under*
 19 *the State Employees' Retirement System or under a retirement*
 20 *system established under this chapter in another county, and*
 21 *develops heart trouble, ~~such that heart trouble~~ so developing or*
 22 *manifesting itself in ~~such~~ those cases shall be presumed to arise*
 23 *out of and in the course of employment. ~~Such~~ That heart trouble*
 24 *so developing or manifesting itself in ~~such~~ those cases shall in no*
 25 *case be attributed to any disease existing prior to such development*
 26 *or manifestation.*

27 (b) *The presumption described in subdivision (a) is rebuttable*
 28 *by other evidence. Unless so rebutted, the board is bound to find*
 29 *in accordance with the presumption.*

30 As

1 (c) As used in this section, “fireman member” includes a member
2 engaged in active fire suppression who is not classified as a safety
3 member.

4 As

5 (d) As used in this section, “member in active law enforcement”
6 includes a member engaged in active law enforcement who is not
7 classified as a safety member.

8 ~~SECTION 1. Section 31552 of the Government Code is~~
9 ~~amended to read:~~

10 ~~31552. All existing officers and employees of the county~~
11 ~~become members of the association on the day the retirement~~
12 ~~system becomes operative, and thereafter each person entering the~~
13 ~~county employ becomes a member on the first day of the calendar~~
14 ~~month after his or her entrance into the service, unless otherwise~~
15 ~~provided by regulations adopted by the board. Those regulations~~
16 ~~may provide for waiver of membership by the prospective~~
17 ~~employee in the case of newly hired employees who have attained~~
18 ~~the age of 60. In all cases where there is such a waiver, said~~
19 ~~employee upon attaining the age of 70 shall thereafter be employed~~
20 ~~from year to year at the discretion of the county.~~